

**Amendments to the Drawings**

In accordance with 37 CFR § 1.121(d)(1), attached hereto is one annotated sheet depicting changes made to drawing Figure 1. The attached Figure 1 has been amended to delete the redundant occurrence of reference number 30.

Also attached hereto is one replacement sheet of drawings, incorporating the change made to Figure 1, which replaces the drawing figure originally submitted with the application.

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, the abstract of the disclosure, drawing Figure 1, and claims 1-3 have been amended. New claims 4-8 have been added. Claims 1-8 are now pending in the application. Claims 1, 4, and 5 are independent. The objection and rejection are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Applicant acknowledges with gratitude the indication of allowable subject matter in claim 3.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). Figure 1 has been amended as described above in the "Amendments to the Drawings" section.

Claims 1-3 have been editorially amended to more fully comply with U.S. practice. New independent claim 4 incorporates the subject matter of original claims 1 and 3. Claims 5-8 have been added to further define the scope of Applicant's invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Shaw

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,944,057 to Shaw.

The Office Action asserts that "Shaw shows a device capable of being used to harness a child comprising a carrying pouch (18) which comprises a generally flexible piece of material that has side edges (24,26) which define at least a part of a respective leg opening (straps (14,16) also define the opening) in the lower part of the pouch, wherein said piece of material includes a length of strong, flexible material, such as nylon webbing, is passed through the pockets formed by portions (32,34,44,46), and the ends are overlapped and attached to form a continuous loop; and wherein portions (32,34,36,44,46,48) are formed in a double layer of the material, outwardly of seam (42,54) where the material has been stitched to itself after the marginal edge portion has been folded inwardly, upon itself, such that the seam is placed on one major surface of the material in the region of a leg opening." The Office Action further asserts that "[t]he seam of Shaw appears (Figures 4 and 5) to be at least at a distance of at least 0.5 cm or 1 cm from the edge of said leg opening; however, the distance from the edge is not specifically disclosed."

The Office Action concludes that "[i]t would have been obvious . . . to provide that the distance between the edge and the

seam be the distances claimed to provide pockets capable of accommodating straps of varying or larger widths."

The rejection of claims 1 and 2 under § 103(a) over Shaw is respectfully traversed. The disclosure of Shaw would not have rendered obvious Applicant's claimed invention.

First, Shaw fails to teach all of Applicant's claim features. As described at page 1, lines 15-31, of Applicant's specification, a problem with prior art child harnesses is that they can be uncomfortable for the child because the seams between fabric layers are often located in a position that tends to press against the child's legs. An object of Applicant's invention, therefore, is to provide more comfort by "moving the seam on one main surface of the piece of material away from the edge of said piece to a position that is considerably distanced from the edge region of respective leg openings" (specification page 2, lines 12-14). Thus, Applicant's claim 1 defines a child harness with a pouch that includes, *inter alia*, "a seam placed on the one major surface of said piece of material in a region of the respective leg opening at a distance of at least 0.5 cm from an edge of said leg opening."

Shaw does not even disclose a child harness, let alone Applicant's claimed harness. Shaw discloses a "Patient Support and Lifting Device," and that "[t]he person seated on device 10 is assumed to be physically handicapped or otherwise infirm or

impaired, requiring assistance in order to rise from a seated position and to be transferred to a seated position" (column 2, lines 59-63). Contrary to the examiner's assertion, Shaw's device does not even include leg openings. That is, the edge of the Shaw device does not form an opening to receive a leg. See, e.g., Shaw's Figure 1, from which it is evident that Shaw's device simply has flexible handles 14 that facilitate bringing the seated person to a standing position, i.e., "[a]s shown in FIG. 1, a second individual is standing at the side of bed 12, facing the seated person, and grasping flexible handles on both sides of device 10, one of which is seen in FIG. 1 and denoted by reference numeral 14" (column 2, lines 63-67).

Another structural difference is that the sheet-like part of the Shaw product does not include an elastic flexible material covered by an enclosure, as presently claimed. Shaw simply discloses that "[d]evice 10 includes a generally rectangular, main body portion 18, of sturdy but flexible cloth, fabric or other such material" (column 3, lines 1-3). Applicant's claim 1 requires a front piece, which includes a core of elastic flexible material. This core of elastic flexible material is enclosed in a fabric pouch that is formed by two fabric sheets sewn together. As indicated above, the seam can pose a problem if it is located at the edge of the flexible material. That is why Applicant's claimed child harness pouch includes "a seam placed on the one major

surface of said piece of material in a region of the respective leg opening at a distance of at least 0.5 cm from an edge of said leg opening."

Still another structural difference is Shaw's teaching that an edge portion of a sheet should be folded over and joined with a seam at a distance from the resulting rim of the sheet (i.e., to form a channel for a strap). However, this is completely different from Applicant's claimed pouch and seam features. In Applicant's claimed harness, the seam does not extend *through* the core of elastic flexible material. Shaw's seam essentially creates a hinge whereby the resulting edge portion can swing around that hinge. If applied to the structure of Applicant's pouch, Shaw's seam could easily contact the child's leg.

In addition, if Shaw's seam configuration were applied to Applicant's pouch, the load carrying ability of the edge part at the leg hole would be severely reduced so that a larger portion of the load from the child would be directed to the seam.

As is evident from the above, all of Applicant's claim features are not taught or suggested by the disclosure of Shaw.

Second, there is no suggestion or motivation in Shaw that would have led one to modify the reference in a way that would produce the invention defined by either of Applicant's claims 1 and 2. As indicated above, Shaw's disclosure is directed to a "Patient Support and Lifting Device," not a child carrying device, let alone

Applicant's claimed harness. An object of Shaw's device is "to provide a *sling-type device* which may easily be placed under an infirm or partially incapacitated adult in a sitting position" (column 1, lines 41-44) (emphasis added). That is not Applicant's claimed invention.

In view of the very different subject matter disclosed by Shaw, there is simply no incentive to modify Shaw's device so as to arrive at Applicant's claimed child harness. Thus, there is no suggestion or motivation in Shaw that would have led one to modify the reference in a way that would produce the invention defined by either of Applicant's claims 1 and 2.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1 and 2 under § 103(a) based on Shaw are respectfully requested.

New claims 4-8 are also allowable. As indicated above in the introductory remarks, independent claim 4 incorporates the allowable subject matter of original claims 1 and 3.

Independent claim 5 defines a child harness with a pouch that includes "an elastically flexible sheet enclosed in a fabric casing with a first piece of fabric on an interior surface of the pouch and a second piece of fabric on an exterior surface of the pouch." The first and second pieces of fabric are joined together by "a seam located on the exterior surface of the pouch in a region of the respective leg opening at a distance of at least 0.5 cm from

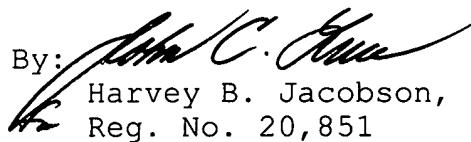
the side edge of the pouch." Each seam is located on the exterior surface of the pouch so as to avoid contact between the seams and the child's legs. Dependent claims 6-8 are also allowable because each claim includes additional features not met by the cited reference.

Shaw neither discloses nor suggests the child harness defined by any of Applicant's new claims 4-8.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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